

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DAMILARE SONOIKI,

Plaintiff,

v.

HARVARD UNIVERSITY, HARVARD
UNIVERSITY BOARD OF OVERSEERS,
and THE PRESIDENT AND FELLOWS OF
HARVARD COLLEGE,

Defendants.

Civil Action No. 1:19-cv-12172

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HARVARD’S MOTION FOR SUMMARY JUDGMENT**

EXHIBITS TO DECLARATION OF DAVID COHEN	
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1	Email from Goldman Sachs Campus Recruiting to Plaintiff, re: “Goldman Sachs Background Check” (January 15, 2013)
2	Email exchanges from Plaintiff’s Administrative Board records in 2013 and 2014 ²
3	Email exchange between J. Ellison and L. Johnson, re: “Student” (May 17, 2013) ³
4	Email from J. Ellison to Plaintiff, re: “Follow up Letter” (May 17, 2013)
5	Email from L. Johnson to Plaintiff, re: “Urgent” (May 17, 2013)
6	Plaintiff’s Administrative Board records regarding Ann’s complaint

¹ All numbered exhibits are filed with the Declaration of David Cohen and are filed under seal. All lettered exhibits are filed with the Declaration of Anton Metlitsky and are filed publicly.

² This exhibit and other exhibits attached to this declaration were produced in this litigation with redactions and pseudonyms to protect information contained within them that is subject to FERPA.

³ Email exchanges produced by Harvard as a part of ESI in this matter have time stamps at the top of an email chain in Coordinated Universal Time (UTC). The time stamps in the remainder of the email chain are in local time.
Declaration of David Cohen ¶ 5 n.3.

7	Email exchange between Plaintiff, L. Johnson, and J. Ellison, re: "Meeting" (May 28, 2013)
8	Plaintiff's Administrative Board records regarding Cindy's complaint
9	Email exchange between J. Ellison, M. Goodheart and others, re: "Degree Candidate" (May 29, 2013)
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17	Document titled "Harvard College Information about confidentiality for students involved in matters under review by the administrative board" (June 3, 2013)
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20	Email exchange between Plaintiff, L. Johnson, and J. Ellison, re: "Re: please remove me from harvard facebook" (June 4-5, 2013)
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22	Email from J. Ellison to Plaintiff copying L. Johnson, re: "Letter" (June 5, 2013)

23	Email from J. Ellison to Plaintiff copying L. Johnson, re: “Initial Statement” (June 6, 2013)
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31	Email from Plaintiff to J. Ellison and L. Johnson, re: “confidentiality” (June 21, 2013)
32	Email exchange between Plaintiff and L. Johnson, re: “FW: Redacted dox for DS” (June 21-22, 2013)
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34	Email exchange between Plaintiff and L. Johnson, re: “vote” (June 25, 2013)
35	Email exchange between L. Johnson and Plaintiff, re: “letter” (June 28, 2013)
36	Plaintiff’s resume
37	Email from J. Ellison to Betty’s Complaint Witness Number 3, re: “Request for a statement” (July 9, 2013) ⁴

⁴ On November 4, 2022, Harvard provided Plaintiff a chart of witness identities that were redacted in documents that Harvard produced to Plaintiff. Harvard provided Plaintiff with the identities of the redacted witnesses. Declaration of David Cohen ¶ 39 n.4.

38	Email from J. Ellison to Cindy's Complaint Witness Number 2, re: "Request for a statement" (July 9, 2013)
39	Email exchange between Plaintiff and L. Johnson, re: "please confirm" (July 23, 2013)
40	Email from L. Johnson to Plaintiff, re: "FW: Witness Statements - DS and Betty" (July 23, 2013)
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52	Email exchange between Plaintiff and L. Johnson, re: "updates re case" (September 11, 2013)
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59	Email exchange between Plaintiff and L. Johnson, re: "Confidential - Subcommittee Reports" (November 13, 2013)
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68	Fidelifacts Background Investigation of Plaintiff (May 15, 2014)
69	Letter from Taconic Capital Advisors to Plaintiff (May 16, 2014)
70	Letter from Plaintiff to Taconic Capital Advisors
71	Email from Plaintiff to S. Lively and B. Flehinger, re: "Appeal" (May 19, 2014)

72	Letter from Plaintiff to Dean Smith and members of the Faculty Council and Docket Committee regarding Ann's complaint (May 19, 2014)
73	Letter from Plaintiff to Dean Smith and members of the Faculty Council and Docket Committee regarding Cindy's complaint (May 19, 2014)
74	Letter from Plaintiff to Dean Smith and members of the Faculty Council and Docket Committee regarding Betty's complaint (May 19, 2014)
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76	Email exchange with Plaintiff, re: "Harvard University" (June 19, 2014)
77	Email exchange with Plaintiff, re: "Here is a draft of the letter" (July 7-8, 2014)
78	Email exchange between Plaintiff and others, re: "Mr. Sonoiki" (August 12-September 10, 2014)
79	Email exchange between Plaintiff and L. Johnson, re: "effective date" (August 19-September 10, 2014)
80	Email exchange between Plaintiff, S. Lively, and others, re: "letter attached" (October 16, 2014)
81	Email exchange with Plaintiff, re: "Script" (December 3, 2014)
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83	Email from Plaintiff, re: "Last Day at GS Thank You" (May 1, 2015)
84	Letter from D. Leopold to Plaintiff (April 21, 2016)
85	Email exchange between Plaintiff, L. Brandt, and S. Lively, re: "Privileged and Confidential" (October 30-November 4, 2017)
86	Email exchange between Plaintiff, Betty, and Cindy, re: "Last letter" (November 16, 2017-September 17, 2018)
87	Email exchange between Plaintiff and S. Lively, re: "update" (January 17, 2018)
88	Letter from L. Brandt to Plaintiff (February 1, 2018)
89	Email exchange between Plaintiff and S. Lively, re: "update" (February 15, 2018)

90	Letter from S. Lively to Plaintiff (March 22, 2018)
91	Email exchange with Plaintiff and others re: “From Bloomberg News (on deadline)” (September 24, 2018)
92	Email exchange between Plaintiff and agent, re: “Question” (September 27, 2019)
93	Plaintiff’s Responses and Objections to Harvard’s First Set of Interrogatories to Plaintiff (October 14, 2022)
94	Plaintiff’s Supplemental Responses to Harvard’s First Set of Interrogatories to Plaintiff, (November 14, 2022)
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EXHIBITS TO DECLARATION OF ANTON METLITSKY	
Exhibit No.	Description
A.	Flowchart titled “Administrative Board: Disciplinary Process for allegations involving a peer dispute”

B.	Excerpt from Harvard's "2011-2012 Handbook for Students" of the Faculty of Arts and Sciences Policy Statement on Rape, Sexual Assault, and Other Sexual Misconduct
C.	Excerpt from Harvard's "2012-2013 Handbook for Students" of the Faculty of Arts and Sciences Policy Statement on Rape, Sexual Assault, and Other Sexual Misconduct
D.	Excerpt from Harvard's "2012-2013 Handbook for Students" of the "General Regulations"
E.	"Rules of Faculty Procedure for the Faculty of Arts and Sciences" (last amended March 27, 2012)
F.	Document titled "The Administrative Board of Harvard College General Information on Disciplinary Cases"
G.	Document titled "The Administrative Board of Harvard College Information for students facing allegations in a peer dispute case"
H.	Document titled "The Administrative Board of Harvard College Reconsideration and appeals"
I.	SEC Press Release entitled "SEC Charges NFL Player and Former Investment Banker With Insider Trading" (August 29, 2018)
J.	Excerpts of the transcript of Plaintiff's Change of Plea Hearing in <i>United States v. Sonoiki</i> , No. 18-368-1 (E.D. Pa. Sept. 19, 2018)
K.	Wall Street Journal article titled "Ex-Analyst in Insider-Trading Case Faced Sexual Misconduct Allegations at Harvard" (September 25, 2018)
L.	Excerpts of Sentencing Hearing in <i>United States of America v. Sonoiki</i> , No. 18-368-1 (E.D. Pa. July 29, 2021)
M.	Order Instituting Administrative Proceedings Pursuant to Section 15(b) of the Securities Exchange Act of 1934, Making Findings, and Imposing Remedial Sanctions, in the Matter of Damilare Sonoiki, File No. 3-21105 (September 19, 2022)

CERTIFICATE OF SERVICE

I hereby certify that on May 31, 2023, a true and correct copy of the foregoing document was electronically filed with the Clerk of Court through the Court's CM/ECF system and served upon counsel of record through the same.

/s/ Anton Metlitsky

Anton Metlitsky